

# HOUSE . . . . . No. 583

By Mr. Rushing of Boston, petition of Byron Rushing and others for legislation to regulate the investment of public service funds in companies doing business in or with Burma (Myanmar). Public Service.

## The Commonwealth of Massachusetts

### PETITION OF:

Byron Rushing	Patricia D. Jehlen
Martha M. Walz	Elizabeth A. Malia
J. James Marzilli, Jr.	Ruth B. Balser
Gloria L. Fox	Antonio F. D. Cabral

In the Year Two Thousand and Five.

AN ACT RELATIVE TO INVESTMENT IN COMPANIES DOING BUSINESS IN OR WITH BURMA (MYANMAR).

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Subdivision (2) of Section 23 of Chapter 32 of the  
2 General Laws, as amended by Chapter 119 of the Acts of 1997  
3 first annual session, is hereby amended by inserting after the word  
4 “products”, the following words:— and no new investment funds  
5 shall be made in stocks, securities, or other obligations of any  
6 company doing business in or with the country of Burma  
7 (Myanmar). For the purposes of Section 23, the following words  
8 shall, unless the context indicates otherwise, have the following  
9 meanings:—

10 “Doing business with Burma (Myanmar)”,

11 (a) having a principal place of business, place of incorporation  
12 or its corporate headquarters in Burma (Myanmar) or having any  
13 operations, leases, franchises, majority-owned subsidiaries, distri-  
14 bution agreements, or any other similar agreements in Burma  
15 (Myanmar), or being the majority-owned subsidiary, licensee or  
16 franchise of such a person;

17 (b) providing financial services to the government of Burma  
18 (Myanmar), including providing direct loans, underwriting gov-  
19 ernment securities, providing any consulting advice or assistance,  
20 providing brokerage services, acting as a trustee or escrow agent,  
21 or otherwise acting as an agent pursuant to the contractual agree-  
22 ment;

23 (c) promoting the importation or sale of gems, timber, oil, gas  
24 or other related products, commerce in which is largely controlled  
25 by the government of;

26 (d) providing any goods or services to the government of  
27 Burma (Myanmar).

28 “Government of Burma (Myanmar)”, any public or quasi-  
29 public entity operating within Burma (Myanmar), including, but  
30 not limited to, municipal, provincial, national or other govern-  
31 mental and military bodies, including all departments and agen-  
32 cies of such bodies, public utilities, public facilities, or any  
33 national corporation in which Burma (Myanmar) has a financial  
34 interest or operational responsibilities.

35 “License”, permission granted by a person to another, or to the  
36 government of Burma (Myanmar), to exercise a certain privilege  
37 or to carry on a particular business.

38 “Majority-owned subsidiary”, a company that is a least fifty-  
39 one percent owned by another company.

40 “Person”, any individual and any partnership, firm, association,  
41 corporation, or other entity, or their subsidiaries.

42 The board shall establish and maintain a restricted purchase  
43 list. The restricted purchase list shall contain the names of all per-  
44 sons currently doing business with Burma (Myanmar).

45 In establishing the restricted purchase list, the board shall con-  
46 sult the secretary of administration and finance and may consult  
47 United Nations reports, resources of the Investor Responsibility  
48 Research Center and the Associates to Develop Democratic  
49 Burma, and other reliable sources.

50 The restricted purchase list shall be updated at least once every  
51 twelve months.

52 The board may provide the lists to all state agencies and state  
53 authorities and to the House of Representatives and to the Senate.

1     SECTION 2. Paragraph (h) of subdivision (2A) of said  
2     Section 23 of said Chapter 32, as so appearing, is hereby amended  
3     by inserting after the first sentence the following two sentences:—  
4     No public pension funds under this subdivision shall remain  
5     invested in the stocks, securities, or other obligations of any com-  
6     pany doing business in or with the country of Burma (Myanmar);  
7     provided, however, that if sound investment policy so requires,  
8     the PRIM board may vote to spread the sale of such stocks, secu-  
9     rities or other obligations of such company over no more than  
10    three years, so that no less than one-third the value of said invest-  
11    ment is sold in any one year. So long as any funds remain invested  
12    in any stocks, securities, or other obligations of any such com-  
13    pany, the PRIM board shall annually, on or before January 31, file  
14    with the clerk of the Senate and the clerk of the House of Repre-  
15    sentatives a report listing all such related investments held by the  
16    fund and their book value as of the preceding December first.